

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-16 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

ALLOWABLE SUBJECT MATTER

It is gratefully acknowledged that the Examiner considers the subject matter of claims 4 as being allowable if rewritten in independent form. Although not conceding the appropriateness of the Examiner's rejections, claims 1, 3 and 4 have been rewritten in independent form as claim 10. Claims 10-16 are now in condition for allowance.

CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

DRAWINGS

It is gratefully acknowledged that the Examiner has approved the Formal Drawings submitted by the Applicants. The drawings comply with the requirements of the USPTO. No further action is necessary.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner has acknowledged the Information Disclosure Statement filed on June 26, 2003. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

OBJECTION TO THE CLAIMS

Claims 1-10 stand objected to as being informal. This objection is respectfully traversed.

As the Examiner will note, claim 1, line 4 has been amended to delete the word "housing." The fan is now defined as being positioned within the scroll casing. The claims are now in proper form for examination.

REJECTIONS UNDER 35 USC 102 and 103

Claims 1-3, 8 and 9 stand rejected under 35 USC 102 as being anticipated by Kameoka et al, US 5,839,879. Claims 5-7 stand rejected under 35 USC 103 as being unpatentable over Kameoka et al. These rejections are respectfully traversed.

At the outset, claim 1 has been amended to include a combination of elements wherein a air guide means is provided for guiding air in a second discharge passage. The air guide means includes an arcuately shaped surface extending along at least one of a bottom surface and a ceiling surface of said second discharge passage defined in said extended case for decreasing the cross-sectional area of the second discharge passage. This disclosure is illustrated in Figs. 1, 3 and 4 and is described on page 7, lines 15-19 of the present application. Please note that as the arcuately shaped surface of the air guide is increased in vertical size, as described in the specification and illustrated in the drawings, the cross-sectional area of the second discharge passage is decreased.

It is respectfully pointed out that the Kameoka et al patent is directed to a centrifugal blower wherein a warped surface 15 is formed to increase the cross-sectional area of the air passage 3a. This increase is illustrated in Figs. 1, 4, 5 and 6. Please note that Figs. 4, 5 and 6 are cross-sectional views that illustrate an increase in the angle of the wrapped face to increase the air

passage as it approaches the air outlet 14. See, column 4, lines 25-30.

The Examiner has indicated that the present invention is obvious in view of Kameoka et al. It is respectfully submitted that the present invention sets forth a combination of elements to create a smooth flow of air to reduce swirling flows and therefore greatly reduce pressure losses and noise in the discharge passage. It is respectfully submitted that the Kameoka et al patent does not set forth each and every element nor does it render obvious the elements as defined in the claims. Thus, the Examiner's rejections based on 35 USC 102 and 103 have been obviated.

NO PROSECUTION HISTORY ESTOPPEL

Claim 1 has been amended to clarify the claim. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

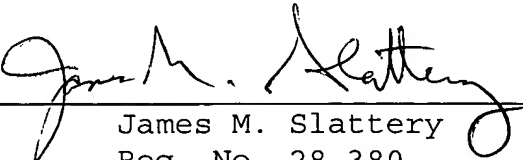
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000 in the Washington, D.C. area.

A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

JMS/mmi

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000